

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 SSC-01 OMB-01 TRSE-00 CU-02 CIAE-00
DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
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LAB-04 SIL-01 /071 W
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R 150745Z JUL 77
FM AMEMBASSY CANBERRA
TO SECSTATE WASHDC 905
INFO AMEMBASSY WELLINGTON
AMEMBASSY PORT MORESBY
AMCONSUL MELBOURNE
AMCONSUL SYDNEY
CINCPAC HONOLULU HI
AMCONSUL BRISBANE POUCH
AMCONSUL PERTH POUCH

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CINCPAC FOR POLAD

EO 11652: NA
TAGS: PINT, AS
SUBJ: RESIGNATION OF AUSTRALIAN GOVERNOR-GENERAL KERR

1. PRIME MINISTER MALCOLM FRASER ANNOUNCED IN CANBERRA ON JULY 14 THAT QUEEN ELIZABETH II HAS ACCEPTED RESIGNATION OF SIR JOHN KERR AS GOVERNOR-GENERAL OF AUSTRALIA EFFECTIVE IN DECEMBER 1977 (DAY UNSPECIFIED). FRASER ALSO ANNOUNCED THAT QUEEN HAD APPOINTED SIR ZELMAN COWEN, VICE-CHANCELLOR OF QUEENSLAND UNIVERSITY AND AN EMINENT AUSTRALIAN CONSTITUTIONAL LAWYER, AS KERR'S SUCCESSOR.

2. KERR'S RESIGNATION HAS BEEN WIDELY RUMORED FOR SEVERAL WEEKS. HE HAS SAID THAT HE BELIEVED THAT EVENTS WHICH LED
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UP TO HIS DISMISSAL OF LABOR PRIME MINISTER GOUGH WHITLAM ON NOVEMBER 11, 1975, HAD EVOKED "FEELINGS IN THE AUSTRALIAN COMMUNITY WHICH MIGHT BE RESOLVED MORE QUICKLY" IF HE WERE TO STEP ASIDE. HAD HE REMAINED, HE WOULD UNQUESTIONABLY HAVE BECOME FOCUS OF ELECTION CAMPAIGN WHICH WILL HAVE TO BE HELD NOT LATER THAN END OF 1978, AND WILL ALMOST CERTAINLY BE FOUGHT BETWEEN MAN KERR INSTALLED (PRIME MIN-

ISTER FRASER) ND MAN HE DISMISSED (WHITLAM).

3. AUSTRALIAN GOVERNORS-GENERAL FULFILL LARGELY CEREMONIAL POSITIONS, BUT AS KERR DEMONSTRATED IN NOVEMBER 1975, THEY ARE GRANTED CERTAIN POWERS BY AUSTRALIAN CONSTITUTION WHICH ARE BEST NOT IGNORED: ALTHOUGH AUSTRALIAN PRIME MINISTERS RECOMMEND SELECTIONS FOR GOVERNOR-GENERAL TO QUEEN, ONCE APPOINTED, GOVERNOR-GENERAL HAS POWER UNDER SECTIONS 5 AND 57 OF AUSTRALIAN CONSTITUTION TO CALL PARLIAMENT INTO SESSION AND TO DISSOLVE IT (IN CERTAIN CIRCUMSTANCES). HIS IS POWER TO NAME PRIME MINISTER OR DISMISS ONE, FORMER TAKEN FOR GRANTED, LATTER CHALLENGED BY AUSTRALIAN LABOR PARTY (WHOM KERR THREW OUT OF OFFICE, AND WHO WILL ALMOST CERTAINLY CALL FOR CONSTITUTIONAL REFORM AS SOON AS THEY ARE NEXT IN POWER). IN ADDITION, GOVERNOR-GENERAL IS COMMANDER-IN-CHIEF OF AUSTRALIA'S MILITARY AND NAVAL FORCES.

4. GOVERNOR-GENERAL DESIGNATE, SIR ZELMAN COWEN, C.M.G., Q.C. IS 57 YEARS OLD. HE WAS BORN IN 1919 IN ST. KILDA, AUSTRALIA, A SUBURB OF MELBOURNE, AND ENTERED SCOTCH COLLEGE. THREE YEARS LATER, AN UNDERGRADUATE, HE WAS APPOINTED TUTOR AT MELBOURNE UNIVERSITY. IN 1941, HAVING TAKEN HONORS IN EVERY SUBJECT IN HIS ARTS AND LAW DEGREES, HE WAS SELECTED AS RHODES SCHOLAR. HE SERVED IN ROYAL AUSTRALIAN NAVAL VOLUNTEER RESERVE DURING WORLD WAR II AND IN 1947 TOPPED POSTGRADUATE LAW SCHOOL AT ORIEL COLLEGE, OXFORD. HE RETURNED TO AUSTRALIA IN 1951 TO BECOME DEAN OF LAW FACULTY AT MELBOURNE UNIVERSITY AND PROFESSOR OF PUBLIC LAW. HE IS CHAIRMAN OF AUSTRALIAN VICE-CHANCELLOR COMMITTEE, COMMISSIONER OF AUSTRALIAN LAW REFORM COMMISSION, AND HE IS ONE OF AUSTRALIA'S MOST NOTED CONSTITUTIONAL LAWYERS. HE HAS WRITTEN EXTENSIVELY ON CONSTITUTIONAL LAW, PUBLIC LAW, INTERNATIONAL LAW, AND IS BIOGRAPHER OF FORMER AUSTRALIAN GOVERNOR-GENERAL SIR ISAAC ISAACS. REGARDED AS FRIENDLY TO AMERICA AND AMERICANS, HE HAS TRAVELED WIDELY IN US AND ELSEWHERE IN WORLD, AND HAS BEEN VISITING PROFESSOR OF LAW AT HARVARD, UNIVERSITIES OF ILLINOIS AND UTAH, AND FLETCHER SCHOOL OF LAW AND DIPLOMACY. IN 1961, HE WAS INSTRUMENTAL IN GETTING US CHIEF JUSTICE EARL WARREN TO COME TO AUSTRALIAN ON LECTURE TOUR SPONSORED BY MELBOURNE UNIVERSITY.

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5. COMMENT: KERR'S RESIGNATION HAS BEEN WIDELY ANTICIPATED FOR SEVERAL WEEKS. IT WAS WELCOMED BY MOST EDITORIALS IN JULY 15TH PRESS, BUT WITHOUT RANCOR. AUSTRALIANS APPEAR TO VIEW HIS PASSING FROM POLITICAL SCENE WITH GREATER RELIEF THAN SURPRISE. FORMER PRIME MINISTER WHITLAM, WHO HAD CHOSEN KERR AS GOVERNOR-GENERAL IN JUNE OF 1974, AT FIRST REPLIED "NO COMMENT" TO REPORTERS SEEKING ONE FROM HIM, BUT

IN HIS JULY 15TH COLUMN IN SYDNEY SUN NOTED THE APPROPRIATENESS OF KERR'S RESIGNATION HAVING COME ON BASTILLE DAY. AUSTRALIAN CONFEDERATION OF TRADE UNIONS (ACTU) PRESIDENT BOB HAWKE SAID COWAN WOULD BE "A DISTINCT IMPROVEMENT. SIR ZELMAN'S CAPACITY IS NOT LIMITED TO THE LAW: HE IS OUTSTANDING IN OTHER AREAS AS WELL. I RESPECT THE MAN; HE SHOULD DO AN EXCELLENT JOB." WHATEVER PERSONAL EXPRESSIONS OF JOY LABOR OPPOSITIONMAY FEEL AT KERR'S RESIGNATION, REAL VALUE TO BOTH LABOR AND CONSERVATIVE GOVERNMENTS WILL BE OPPORTUNITY TO PRACTICE WHAT HAWKE RECOMMENDED AT ALP CONFERENCE IN PERTH LAST WEEK: THAT THE COUNTRY STOP LOOKING BACKWARD TO NOVEMBER 1975 AND BUILD FOR THE FUTURE.

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